



General Assembly

February Session, 2006

***Raised Bill No. 5555***

LCO No. 1980

\*01980\_\_\_\_\_GL\_\*

Referred to Committee on General Law

Introduced by:  
(GL)

***AN ACT CONCERNING LIQUOR PERMITS AND INVESTIGATIONS  
REGARDING INDUCING MINORS TO PROCURE LIQUOR.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 30-1 of the 2006 supplement to the general statutes  
2 is repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2006*):

4 For the interpretation of this chapter, unless the context indicates a  
5 different meaning:

6 (1) "Airline" means any United States airline carrier, holding a  
7 certificate of public convenience and necessity from the Civil  
8 Aeronautics Board under Section 401 of the Federal Aviation Act of  
9 1958, as amended, or any foreign flag carrier, holding a permit under  
10 Section 402 of such act.

11 (2) "Alcohol" means the product of distillation of any fermented  
12 liquid, rectified either once or more often, whatever may be the origin  
13 thereof, and includes synthetic ethyl alcohol which is considered  
14 nonpotable.

15 (3) "Alcoholic liquor" or "alcoholic beverage" includes the four  
16 varieties of liquor defined in subdivisions (2), (5), (18) and (19) of this  
17 section (alcohol, beer, spirits and wine) and every liquid or solid,  
18 patented or not, containing alcohol, spirits, wine or beer and capable of  
19 being consumed by a human being for beverage purposes. Any liquid  
20 or solid containing more than one of the four varieties so defined is  
21 considered as belonging to that variety which has the higher  
22 percentage of alcohol, according to the following order: Alcohol,  
23 spirits, wine and beer, except as provided in subdivision (19) of this  
24 section. The provisions of this chapter shall not apply to any liquid or  
25 solid containing less than one-half of one per cent of alcohol by  
26 volume.

27 (4) "Backer" means, except in cases where the permittee is himself  
28 the proprietor, the proprietor of any business or club, incorporated or  
29 unincorporated, engaged in the manufacture or sale of alcoholic liquor,  
30 in which business a permittee is associated, whether as employee,  
31 agent or part owner.

32 (5) "Beer" means any beverage obtained by the alcoholic  
33 fermentation of an infusion or decoction of barley, malt and hops in  
34 drinking water.

35 (6) (A) "Case price" means the price of a container of cardboard,  
36 wood or other material, containing units of the same size, brand, age  
37 and proof of alcoholic liquor, and (B) a case of alcoholic liquor, other  
38 than beer, cordials, cocktails, wines and prepared mixed drinks, shall  
39 be in the number and quantity of units or bottles as follows: Three  
40 gallon bottles; four gallon bottles; six half-gallon bottles; twelve quart  
41 bottles or twelve liter bottles; twelve one-fifth gallon bottles or twelve  
42 seven hundred fifty milliliter bottles; twenty-four pint bottles; twenty-  
43 four one-tenth gallon bottles or six and four-tenths ounce bottles or  
44 twenty-four three hundred seventy-five milliliter bottles or forty-eight  
45 one hundred eighty-seven and one-half milliliter bottles; ninety-six one  
46 hundred milliliter bottles; forty-eight half-pint bottles, or two hundred

47 forty-one and one-half ounce, one and six-tenths ounce and two ounce  
48 bottles or ninety-six ninety-three and seven-tenths milliliter bottles or  
49 one hundred ninety-two forty-six and eight-tenths milliliter bottles.

50 (7) "Charitable organization" means any nonprofit organization  
51 organized for charitable purposes to which has been issued a ruling by  
52 the Internal Revenue Service classifying it as an exempt organization  
53 under Section 501(c)(3) of the Internal Revenue Code.

54 (8) "Club" means a club as defined in section 30-23.

55 (9) "Coliseum" means a coliseum as defined in section 30-33a.

56 (10) "Commission" means the Liquor Control Commission and  
57 "department" means the Department of Consumer Protection.

58 (11) "Golf country club" means a golf country club as defined in  
59 section 30-24a.

60 (12) "Minor" means any person under twenty-one years of age.

61 (13) "Person" means natural person including partners but shall not  
62 include corporations, limited liability companies, joint stock companies  
63 or other associations of natural persons.

64 (14) "Proprietor" shall include all owners of businesses or clubs,  
65 included in subdivision (5) of this section, whether such owners are  
66 individuals, partners, joint stock companies, fiduciaries, stockholders  
67 of corporations or otherwise, but shall not include persons or  
68 corporations who are merely creditors of such businesses or clubs,  
69 whether as note holders, bond holders, landlords, franchisors or  
70 otherwise.

71 (15) "Dining room" means a room or rooms in premises operating  
72 under a hotel permit, hotel beer permit, restaurant permit, restaurant  
73 permit for beer, restaurant permit for wine and beer, railroad permit,  
74 or boat permit, where meals are customarily served, within the room

75 or rooms, to any member of the public who has means of payment and  
76 proper demeanor.

77 (16) "Restaurant" means a restaurant as defined in section 30-22, as  
78 amended.

79 (17) "Special sporting facility" means a special sporting facility as  
80 defined in section 30-33b.

81 (18) "Spirits" means any beverage that contains alcohol obtained by  
82 distillation mixed with drinkable water and other substances in  
83 solution, including brandy, rum, whiskey and gin.

84 (19) "Wine" means any alcoholic beverage obtained by the  
85 fermentation of the natural sugar content of fruits, such as grapes or  
86 apples or other agricultural products, containing sugar, including  
87 fortified wines such as port, sherry and champagne.

88 (20) "Nonprofit public television corporation" means a nonprofit  
89 public television corporation as defined in section 30-37d.

90 Sec. 2. Section 30-39 of the 2006 supplement to the general statutes is  
91 repealed and the following is substituted in lieu thereof (*Effective*  
92 *October 1, 2006*):

93 (a) For the purposes of this section, the "filing date" of an application  
94 means the date upon which the department, after approving the  
95 application for processing, mails or otherwise delivers to the applicant  
96 a placard containing such date.

97 (b) (1) Any person desiring a liquor permit or a renewal of such a  
98 permit shall make a sworn application therefor to the Department of  
99 Consumer Protection upon forms to be furnished by the department,  
100 showing the name and address of the applicant and of the applicant's  
101 backer, if any, the location of the club or place of business which is to  
102 be operated under such permit and a financial statement setting forth  
103 all elements and details of any business transactions connected with

104 the application. Such application shall include a detailed description of  
105 the type of live entertainment that is to be provided. A club or place of  
106 business shall be exempt from providing such detailed description if  
107 the club or place of business (A) was issued a liquor permit prior to  
108 October 1, 1993, and (B) has not altered the type of entertainment  
109 provided. The application shall also indicate any crimes of which the  
110 applicant or the applicant's backer may have been convicted.  
111 Applicants shall submit documents sufficient to establish that state and  
112 local building, fire and zoning requirements and local ordinances  
113 concerning hours and days of sale will be met, except that local  
114 building and zoning requirements and local ordinances concerning  
115 hours and days of sale shall not apply to any class of airport permit.  
116 The State Fire Marshal or the marshal's certified designee shall be  
117 responsible for approving compliance with the State Fire Code at  
118 Bradley International Airport. Any person desiring a permit provided  
119 for in section 30-33b shall file a copy of such person's license from the  
120 Division of Special Revenue or the Gaming Policy Board with such  
121 application. The department may, at its discretion, conduct an  
122 investigation to determine whether a permit shall be issued to an  
123 applicant.

124 (2) The applicant shall pay to the department a nonrefundable  
125 application fee, which fee shall be in addition to the fees prescribed in  
126 this chapter for the permit sought. An application fee shall not be  
127 charged for an application to renew a permit. The application fee shall  
128 be in the amount of ten dollars for the filing of each application for a  
129 permit by a charitable organization, including a nonprofit public  
130 television corporation, a nonprofit golf tournament permit, a  
131 temporary permit or a special club permit; and for all other permits in  
132 the amount of one hundred dollars for the filing of an initial  
133 application. Any permit issued shall be valid only for the purposes and  
134 activities described in the application.

135 (3) The applicant, immediately after filing an application, shall give  
136 notice thereof, with the name and residence of the permittee, the type

137 of permit applied for and the location of the place of business for  
138 which such permit is to be issued and the type of live entertainment to  
139 be provided, all in a form prescribed by the department, by publishing  
140 the same in a newspaper having a circulation in the town in which the  
141 place of business to be operated under such permit is to be located, at  
142 least once a week for two successive weeks, the first publication to be  
143 not more than seven days after the filing date of the application and  
144 the last publication not more than fourteen days after the filing date of  
145 the application. The applicant shall affix, and maintain in a legible  
146 condition upon the outer door of the building wherein such place of  
147 business is to be located and clearly visible from the public highway,  
148 the placard provided by the department, not later than the day  
149 following the receipt of the placard by the applicant. If such outer door  
150 of such premises is so far from the public highway that such placard is  
151 not clearly visible as provided, the department shall direct a suitable  
152 method to notify the public of such application. When an application is  
153 filed for any type of permit for a building that has not been  
154 constructed, such applicant shall erect and maintain in a legible  
155 condition a sign not less than six feet by four feet upon the site where  
156 such place of business is to be located, instead of such placard upon  
157 the outer door of the building. The sign shall set forth the type of  
158 permit applied for and the name of the proposed permittee, shall be  
159 clearly visible from the public highway and shall be so erected not  
160 later than the day following the receipt of the placard. Such applicant  
161 shall make a return to the department, under oath, of compliance with  
162 the foregoing requirements, in such form as the department may  
163 determine, but the department may require any additional proof of  
164 such compliance. Upon receipt of evidence of such compliance, the  
165 department may hold a hearing as to the suitability of the proposed  
166 location. The provisions of this subdivision shall not apply to  
167 applications for airline permits, charitable organization permits,  
168 temporary permits, special club permits, concession permits, military  
169 permits, railroad permits, boat permits, warehouse permits, brokers'  
170 permits, out-of-state shippers' permits for alcoholic liquor and out-of-

171 state shippers' permits for beer, coliseum permits, coliseum concession  
172 permits, special sporting facility restaurant permits, special sporting  
173 facility employee recreational permits, special sporting facility guest  
174 permits, special sporting facility concession permits, special sporting  
175 facility bar permits, nonprofit golf tournament permits, nonprofit  
176 public television permits and renewals. The provisions of this  
177 subdivision regarding publication and placard display shall also be  
178 required of any applicant who seeks to amend the type of  
179 entertainment upon filing of a renewal application.

180 (4) In any case in which a permit has been issued to a partnership, if  
181 one or more of the partners dies or retires, the remaining partner or  
182 partners need not file a new application for the unexpired portion of  
183 the current permit, and no additional fee for such unexpired portion  
184 shall be required. Notice of any such change shall be given to the  
185 department and the permit shall be endorsed to show correct  
186 ownership. When any partnership changes by reason of the addition of  
187 one or more persons, a new application with new fees shall be  
188 required.

189 (c) Any ten residents who are at least eighteen years of age and are  
190 of the town within which is intended to be operated the business for  
191 which the permit or renewal thereof has been applied for, or, in the  
192 case of a manufacturer's or a wholesaler's permit, any ten residents  
193 who are at least eighteen years of age of the state, may file with the  
194 department, within three weeks from the last date of publication of  
195 notice made pursuant to subdivision (3) of subsection (b) of this  
196 section for an initial permit, and in the case of renewal of an existing  
197 permit, at least twenty-one days before the renewal date of such  
198 permit, a remonstrance containing any objection to the suitability of  
199 such applicant or proposed place of business. Upon the filing of such  
200 remonstrance, the department, upon written application, shall hold a  
201 hearing and shall give such notice as it deems reasonable of the time  
202 and place at least five days before such hearing is had. The  
203 remonstrants shall designate one or more agents for service, who shall

204 serve as the recipient or recipients of all notices issued by the  
 205 department. Prior to the start of the hearing before the department, the  
 206 agent or agents of service for the remonstrants may withdraw their  
 207 objections to the granting of the permit or the renewal of an existing  
 208 permit and the department may cancel the hearing. The decision of the  
 209 department on such application shall be final with respect to the  
 210 remonstrance.

211 (d) No new permit shall be issued until the foregoing provisions of  
 212 subsections (a) and (b) of this section have been complied with. Six  
 213 months' or seasonal permits may be renewed, provided the renewal  
 214 application and fee shall be filed at least twenty-one days before the  
 215 reopening of the business, there is no change in the permittee,  
 216 ownership or type of permit, and the permittee or backer did not  
 217 receive a rebate of the permit fee with respect to the permit issued for  
 218 the previous year.

219 (e) The department may renew a permit that has expired if the  
 220 applicant pays to the department a nonrefundable late fee pursuant to  
 221 subsection (c) of section 21a-4, which fee shall be in addition to the fees  
 222 prescribed in this chapter for the permit applied for. The provisions of  
 223 this subsection shall not apply to one-day permits, to any permit which  
 224 is the subject of administrative or court proceedings, or where  
 225 otherwise provided by law.

226 Sec. 3. Section 30-55 of the general statutes is repealed and the  
 227 following is substituted in lieu thereof (*Effective October 1, 2006*):

228 (a) The Department of Consumer Protection may, in its discretion,  
 229 revoke or suspend any permit or provisional permit upon cause found  
 230 after hearing, provided ten days' written notice of such hearing has  
 231 been given to the permittee setting forth, with the particulars required  
 232 in civil pleadings, the charges upon which such proposed revocation  
 233 or suspension is predicated. [No permit shall be suspended or revoked  
 234 under this section for any violation of this chapter of which the  
 235 permittee or his servant or agent was finally found not guilty by, or



236 received dismissal in, a court having jurisdiction thereof, and no  
 237 disciplinary action shall be taken thereafter by the department against  
 238 the backer or such permittee, servant or agent. The department shall  
 239 not initiate hearing proceedings pursuant to this section based upon  
 240 any arrest which has not resulted in a conviction.] Any appeal from  
 241 such order of revocation or suspension shall be taken in accordance  
 242 with the provisions of section 4-183.

243 (b) The surrender of a permit or provisional permit for cancellation  
 244 or the expiration of a permit shall not prevent the department from  
 245 suspending or revoking any such permit pursuant to the provisions of  
 246 this section.

247 Sec. 4. Section 30-87 of the general statutes is repealed and the  
 248 following is substituted in lieu thereof (*Effective October 1, 2006*):

249 Any person who induces any minor to procure alcoholic liquor from  
 250 any person permitted to sell such alcoholic liquor shall be subject to  
 251 the penalties prescribed in section 30-113. The provisions of this  
 252 section shall not apply to (1) the procurement of liquor by a person  
 253 over age eighteen who is an employee or permit holder under section  
 254 30-90a where such procurement is made in the course of such person's  
 255 employment or business, or (2) any such inducement in furtherance of  
 256 an official investigation or enforcement activity conducted by a law  
 257 enforcement agency or the Department of Consumer Protection, or  
 258 both. Nothing in this section shall be construed to prevent any action  
 259 from being taken under section 30-55 or section 30-86, or both, against  
 260 any person permitted to sell alcoholic liquor who has sold alcoholic  
 261 liquor to a minor where such minor is participating in an official  
 262 investigation or enforcement activity conducted by a law enforcement  
 263 agency or the Department of Consumer Protection, or both.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	30-1

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Sec. 2	<i>October 1, 2006</i>	30-39
Sec. 3	<i>October 1, 2006</i>	30-55
Sec. 4	<i>October 1, 2006</i>	30-87

***Statement of Purpose:***

To exclude landlords and franchisors from being considered backers of liquor permits under certain circumstances, to allow the Liquor Control Commission to proceed with a remonstrance that was properly filed by ten residents and to provide a mechanism to withdraw a remonstrance prior to the start of a hearing, to allow the Liquor Control Commission to proceed with administrative hearings even though a criminal proceeding concerning the same matter failed to result in a criminal conviction and to allow the Liquor Control Division of the Department of Consumer Protection to conduct alcohol compliance checks without having local or state law enforcement officers present.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*